[Sh. M.M. Jacob]

some cases. But I don't want to make it precedent, but I can show to you the entire report and if you want to share it with the Opposition leaders, I have no objection. I am only avoiding the embarrassment of the Government breaking a convention; immediately all reports of the Government to be brought in will be a different thing for me. Otherwise I am prepared to share it with you in the Chamber and you can invite the Opposition leaders to.... *(Interruptions).*

SHRI GEORGE FERNANDES (Muzaffarpur): I do not know, the Minister is talking as though he has just come from the 'wonderland.

SHRI M.M.JACOB: It is not the Governor's Report. *(Interruptions)*

SHRI BASU DEB ACHARIA: Sir, is it not under the Rules that the Governor's Report should be laid on the Table of the House?

MR. SPEAKER: You show me the rule, I will take action.

SHRI BASU DEB ACHARIA: It is under the rule, Sir.

MR. SPEAKER: You show me the rule.

(Interruptions)

SHRI NITISH KUMAR (Barh): Sir, is he referring to any private letter? (Interruptions).

SHRI M.M .JACOB: In view of all this, which I stated earlier, the reference gathered from the message of the Governor as well as from the scenario existing in the State and the high rate of insurgency in the North East increasing day by day..(interruptions)

ME. SPEAKER: What is going on?

SHRI M.M.JACOB: That is also a part of it.

In the light of all that, invoking of Article 356 is quite in order and that is an authority of the Government. You would have accused me of failing in my duty saying, 'when the Governor's Report and the information from the State is such, you have not acted immediately, you are allowing the country to go to dogs.' I mean, you would have been accusing me, Sir for not taking this action. That is why the Government considered about it and we had to invoke Article 356. I am ready the statement and also to lay the Proclamation on the Table of the House after making the Statement with your permission.

MR. SPEAKER: You can read your Statement.

13.20 hrs.

STATEMENT BY MINISTER

President's Rule In Nagaland

[*English*]

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTRY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (Shri M.M.Jacob): Sir, The Governor of Nagaland in two messages both dated the 27th March, 1992, addressed to the President has informed that he had dossolved the Nagaland Legislative Assembly on the advice of the Chief Minister under Article 174 of the Constitution and the Chief Minister had been allowed to continue in caretaker capacity until fresh elections.

The Governor also mentioned that the majority of the Chief Minister was proved on the floor of the House during the Budget Session of Nagaland Legislative assembly and the Ruling Party also got its candidate elected to the Rajya Sabha.

The Governor further reported that the Chief Minister had favoured fresh mandate from the people because of various pressures to which he had been subjected to and felt that purposeful administration could not be carried on with Ministers and MLAs pressuring for plum posts. The Governor also

mentioned that in the process, the law and order had been negelcted.

The Union Government considered the reports of the Governor and the situation prevailing in Nagaland. Clearly the party position in the State was fluid and the law and order had been neglected. The very grounds relied upon the Governor to dissolve the Assembly showed that it was not possible to carry on the administration of the State in accordance with the provisions of the Constitution for the normal life of the Assembly. Accordingly, it was decided to recommend to the President of India to issue a Proclamation under Article 356 of the Constitution in relation to the State of Nagaland. The President has been pleased to issue the said Proclamation on 2nd April, 1992.

13.22 hrs.

PAPERS LAID ON THE TABLE

Proclamation Dated 2nd April, 1992 in Relation to State of Nagaland and an order Dated 2nd April, 1992 in Purssurance of the said Proclamation.

[*English*]

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI M.M.JACOB): I beg to lay on the Table a copy each of the following documents(Hindi and English versions):

(i) Proclamation dated the 2nd April, 1992 issued by the President under article 356 of the Constitution in relation to the State of Nagaland published in Notification No. S.R.401(E) in Gazette of India dated the 2nd April, 1992 under article 356(3) of the Constitution. [Placed in Library see NO. LT-1749/92]

(ii) Order dated the 2nd April, 1992 made by the President in pursuance of the sub-clause (i) of clause (c) of the above Proclamation published in Notification No. G.S.R.401 (E) in Gazette of India dated the 2nd April 1992. [Placed in Library see No. LT- 1750/92]

12.33 hrs.

RE: IMPOSITION OF PRESIDENT'S RULE IN NAGALAND UNDER ARTICLE 356 OF THE CONSTITUTION -Contd.

[*English*]

SHRI LAL K. ADVANI (Gandhi Nagar): Mr. Speaker, Sir, you have cited the rule relating to the laying of papers and mentioned that he has only referred to the statement and not quoted. I remember, that whenever Article 356 was imposed in any State, though neither the Constitution nor the rules provide that the Governor's report shall be laid on the Table of the House, over a period of time, it has become a convention, an invariable convention in this House to lay the Governor's report on the Table of the House. Even though there is no constitutional obligation, the Governor's report was placed on the Table of the House and in this case, my own feeling is that the Government has made selective abuse of the Governor's report by quoting, from it, certain portion and saying after all, the Governor could have come to the conclusion that in this situation there is no option except to impose the President's Rule. I do not think he has said anything of that kind, and, infact, if the Government had called the Governor and asked his opinion or consulted him, he may have opposed it, particularly because in a situation of instability etc.,which has been referred to, the best option is to go to the people and have an election which has already been ordered. It seems that the Government of India is of the view that an election should not be held there. I do not know what the intentions of the Government are and therefore, my demand is that, without any delay, the report of the Governor must be placed on the Table of the House. What the Government has done is absolutely indefensible and this House would like to take a decision on that. After all the